

Message Text

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ACTION EB-07

INFO OCT-01 AF-08 NEA-10 ISO-00 CAB-02 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 CIEP-01 FAA-00 SS-15

NSC-05 L-03 TRSE-00 /059 W

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FM AMEMBASSY ACCRA

TO SECSTATE WASHDC 4370

INFO AMCONSUL CASABLANCA

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CASABLANCA FOR RCAA

E.O. 11652: NA

TAGS: EAIR, GH, US

SUBJECT: US-GHANA BILATERAL AGREEMENT

REF: (A) STATE 224238 (NOTAL); (B) ACCRA 6640 (NOTAL); (C) ACCRA 6601; (D) ACCRA 6525; (E) STATE 214576

1. E/C COUNS AND COMMOFF CALLED SEPT 14 ON MFA ECONOMIC DIRECTOR (CLELAND) TO TRY TO OBTAIN CLARIFICATION OUTSTANDING AVIATION ISSUES.

2. EMBOFFS POINTED OUT MFA NOTE (REFTEL C) DENIED US CARRIER RIGHTS BETWEEN ACCRA AND NAIROBI, WHILE DEPT CIVIL AVATION (DCA) LETTER TO PANAM GRANTED THEM. EMBOFFS SAID THEY HOPED LATTER WAS THE CORRECT POSITION, AND REQUESTED CLARIFICATION, PREFERABLY SUPPLEMENTARY NOTE, STATING THIS. COMMENT: LATE SEPT 13 PANAM MANAGER WAS HANDED LETTER FROM DCA DATED SEPT 9 STATING IN FULL: QUOTE DEAR SIR, BILATERAL AIR SERVICES AGREEMENT BETWEEN GHANA AND THE U.S.A. I AM PLEASED TO INFORM YOU THAT THE GOVERNMENT OF GHANA HAS DECIDED THAT PAN AM SHOULD BE GIVEN TRAFFIC RIGHTS BEYOND GHANA TO UGANDA AND KENYA AS IT ALREADY HAS TO TANZANIA.

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PLEASE LET ME KNOW YOUR REACTION TO THIS OFFER. WE HOPE

THAT THE AGREEMENT CAN BE SIGNED NOW. YOURS FAITHFULLY,
(SIGNED) FOR: AG. DIRECTOR OF CIVIL AVIATION (J.W. NTOW-ANINKORA).
UNQUOTE. IT SUPPLEMENTS DCA LETTER TO PAN AM SEPT 2 (REFTEL B).
PANAM MANAGER BROUGHT SEPT 9 LETTER TO EMBASSY JUST BEFORE MEETING
WITH CLELAND, BUT EMBOFFS DID NOT REFER DIRECTLY TO THIS LETTER,
OF WHICH MFA (AND POSSIBLY ABSENT DCA DIRECTOR DWEMOH) PROBABLY
UNAWARE. PANAM, AT EMBASSY SUGGESTION, WILL REPLY WITH THANKS,
POINTING OUT BILATERAL AGREEMENT A GOVERNMENT-TO-GOVERNMENT
MATTER. END COMMENT.

3. EMBOFFS ALSO POINTED OUT ANOMALY IN PANAM TAX STATUS: GOG
CLAIMS THROUGH 1974/75 TAX YEAR FORGIVEN, AND PANAM TO BE EXEMPTED
ON BASIS OF RECIPROCITY FROM TIME GHANA AIRWAYS BEGINS TO SERVE
US, BUT APPARENTLY PANAM LIABLE FOR TAXES DURING INTERIM. WE
SAID THIS INCONSISTENT WITH USUAL CONCEPT OF RECIPROCITY
IN THAT WHETHER PANAM LIABLE FOR TAXES DEPENDENT UPON ESSENTIALLY
UNILATERAL GHANA AIRWAYS DECISION; UNDOUBTEDLY LUFTHANSA, KLM, AND
SWISSAIR, AMONG OTHERS, ALL OF WHOM SERVE ACCRA WITHOUT GHANA
AIRWAYS FLYING TO THEIR HOME COUNTRIES, WERE EXEMPT FROM GHANAIAN
INCOME TAX. EMBOFFS ASKED FOR CLARIFICATION, AGAIN IF POSSIBLE
IN NOTE, ON THIS POINT ALSO.

4. E/C COUNS RAISED, EXPLICITLY ON PERSONAL BASIS, QUESTION
WHY GOG HAD LIMITED US CARRIER'S INTERMEDIATE RIGHTS TO DAKAR AND
ROBERTSFIELD, WHILE NOVEMBER 1975 MEMORANDUM OF CONSULTATION
AGREED BETWEEN GOG AND USG ALLOWED ANY TWO INTERMEDIATE
STOPS IN AFRICA (WITH ONLY FREQUENCY OF CHANGE IN
DESIGNATING WHICH TWO THESE WOULD BE DISAGREED).

5. FINALLY, EMBOFFS INFORMED CLELAND OF SUBSTANCE PARA 3,
REFTEL A, TO EFFECT THAT USDEL UNLIKELY ABLE TO MEET WITH GHANADEL
BEFORE 1977.

6. ONLY SUBSTANTIVE RESPONSE BY CLELAND WAS TO PARA 5, IN WHICH
HE ASKED THAT USG SUGGEST SPECIFIC DATE (EVEN IF IN 1977) FOR
CONSULTATIONS. ON ALL OTHER POINTS, HE SAID WOULD CHECK INTO
MATTER AND WOULD RESPOND LATER. LINEHAN

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